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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

THE GREAT ATLANTIC & PACIFIC TEA
COMPANY, INC., *et al.*,¹

Debtors.

THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS on behalf of the
bankruptcy estate of THE GREAT
ATLANTIC & PACIFIC TEA COMPANY,
INC., *et al.*,

Plaintiff,

v.

MANHATTAN BEER DISTRIBUTORS,
INC.,

Defendant.

Chapter 11

Case No. 15-23007 (RDD)

(Jointly Administered)

Adv. Pro. No. 17-08263 (RDD)

Hearing Date: December 14, 2017, 10:00 a.m. ET

Objection Deadline: October 20, 2017, 5:00 p.m. ET

Re: Docket No. 5

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are as follows: 2008 Broadway, Inc. (0986); The Great Atlantic & Pacific Tea Company, Inc. (0974); A&P Live Better, LLC (0799); A&P Real Property, LLC (0973); APW Supermarket Corporation (7132); APW Supermarkets, Inc. (9509); Borman's, Inc. (9761); Delaware County Dairies, Inc. (7090); Food Basics, Inc. (1210); Kaik Save Inc. (3636); McLean Avenue Plaza Corp. (5227); Montvale Holdings, Inc. (6664); Montvale-Para Holdings, Inc. (2947); Onpoint, Inc. (6589); Pathmark Stores, Inc. (9612); Plainbridge TLC (5965); Shopwell, Inc. (0301); Super Fresh Food Markets, Inc. (2491); The Old Wine Emporium of Westport, Inc. (0724); Tradewell Foods of Conn., Inc. (5718); and Waldbaum, Inc. (8599).

**NOTICE OF MANHATTAN BEER DISTRIBUTORS, INC.'S MOTION TO DISMISS
COMPLAINT WITH PREJUDICE, UNDER FEDERAL RULE OF CIVIL PROCEDURE
12(b)(6) AND FEDERAL RULE OF BANKRUPTCY PROCEDURE 7012(b)**

PLEASE TAKE NOTICE that defendant Manhattan Beer Distributors, Inc. (the "Defendant") has filed a motion (the "Motion to Dismiss") to dismiss with prejudice the complaint filed by plaintiff The Official Committee of Unsecured Creditors, pursuant to Federal Rule of Civil Procedure 12(b)(6) and Federal Rule of Bankruptcy Procedure 7012(b).

PLEASE TAKE FURTHER NOTICE that if you object to the Motion to Dismiss, you must file a written objection with the Clerk of the United States Bankruptcy Court, and serve it the undersigned counsel for the Defendant, by **October 20, 2017 at 5:00 p.m. (Eastern Time)**.

PLEASE TAKE FURTHER NOTICE that a hearing with respect to the Motion to Dismiss has been scheduled for **December 14, 2017 at 10:00 a.m. (Eastern Time)** before the Honorable Robert D. Drain at the United States Bankruptcy Court for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601.

PLEASE TAKE FURTHER NOTICE that if you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion to Dismiss and may enter an order granting the relief requested therein.

Dated: September 25, 2017

TANNENBAUM HELPERN SYRACUSE
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